

AMENDED IN ASSEMBLY APRIL 17, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2656

Introduced by Assembly Member ~~Alquist~~ Corbett

February 22, 2002

~~An act to amend Section 904.1 of the Code of Civil Procedure, relating to appeals. An act to add Section 1281.96 to the Code of Civil Procedure, relating to arbitration.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2656, as amended, ~~Alquist~~ Corbett. ~~Appeals: certification of class actions~~ *Arbitration: private judging companies.*

Existing law regulates arbitration conducted pursuant to an arbitration agreement, as specified.

This bill would require a private judging company involved in consumer arbitration cases to make certain information regarding those cases available to the public, as specified.

~~Existing law specifies the instances in which an appeal, other than in a limited civil case, may be taken.~~

~~This bill would provide that a court of appeal may in its discretion permit an appeal from an order of a superior court granting or denying class action certification if application is made to it within 10 days after service of notice of entry of the order. The bill would further provide that the appeal, if permitted, does not stay proceedings in the superior court unless the superior court judge or the court of appeal so orders.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 904.1 of the Code of Civil Procedure is~~

SECTION 1. Section 1281.96 is added to the Code of Civil Procedure, to read:

1281.96. Any private judging company that participates in or is otherwise involved in, a consumer arbitration shall collect, publish at least quarterly, and make available to the public in a computer searchable format, which shall be accessible at the Internet Web site of the private judging company, if any, all of the following information regarding each consumer arbitration:

(a) The name of the nonconsumer party.

(b) The type of dispute involved, including goods, banking, insurance, health care, employment, and if it involves employment, the amount of the employee's annual wage.

(c) Whether the consumer or nonconsumer party was the prevailing party.

(d) On how many occasions, if any, the nonconsumer party has previously been a party in an arbitration administered by the private judging company.

(e) On how many occasions, if any, the nonconsumer party has previously been a party to a mediation administered by the private judging company.

(f) Whether the consumer party was represented by an attorney.

(g) The date of the claim.

(h) The date the arbitrator was appointed.

(i) The date of disposition.

(j) The type of disposition of the dispute, including withdrawal, abandonment, settlement, award after hearing, award without hearing, or dismissal without hearing.

(k) The amount of the claim.

(l) The amount of the award, if any.

(m) Any other relevant terms of the award.

(n) The name of the arbitrator.

(o) The arbitrator's total fee for the case.

(p) The distribution of the arbitrator's fees between the consumer and the nonconsumer party.

~~amended to read:~~

1 ~~904.1. (a) An appeal, other than in a limited civil case, is to~~
2 ~~the court of appeal. An appeal, other than in a limited civil case,~~
3 ~~may be taken from any of the following:~~

4 ~~(1) From a judgment, except (A) an interlocutory judgment,~~
5 ~~other than as provided in paragraphs (8), (9), and (11), (B) a~~
6 ~~judgment of contempt that is made final and conclusive by Section~~
7 ~~1222, or (C) a judgment granting or denying a petition for issuance~~
8 ~~of a writ of mandamus or prohibition directed to a municipal court~~
9 ~~or the superior court in a county in which there is no municipal~~
10 ~~court or the judge or judges thereof that relates to a matter pending~~
11 ~~in the municipal or superior court. However, an appellate court~~
12 ~~may, in its discretion, review a judgment granting or denying a~~
13 ~~petition for issuance of a writ of mandamus or prohibition, or a~~
14 ~~judgment or order for the payment of monetary sanctions, upon~~
15 ~~petition for an extraordinary writ.~~

16 ~~(2) From an order made after a judgment made appealable by~~
17 ~~paragraph (1).~~

18 ~~(3) From an order granting a motion to quash service of~~
19 ~~summons or granting a motion to stay or dismiss the action on the~~
20 ~~ground of inconvenient forum.~~

21 ~~(4) From an order granting a new trial or denying a motion for~~
22 ~~judgment notwithstanding the verdict.~~

23 ~~(5) From an order discharging or refusing to discharge an~~
24 ~~attachment or granting a right to attach order.~~

25 ~~(6) From an order granting or dissolving an injunction, or~~
26 ~~refusing to grant or dissolve an injunction.~~

27 ~~(7) From an order appointing a receiver.~~

28 ~~(8) From an interlocutory judgment, order, or decree, hereafter~~
29 ~~made or entered in an action to redeem real or personal property~~
30 ~~from a mortgage thereof, or a lien thereon, determining the right~~
31 ~~to redeem and directing an accounting.~~

32 ~~(9) From an interlocutory judgment in an action for partition~~
33 ~~determining the rights and interests of the respective parties and~~
34 ~~directing partition to be made.~~

35 ~~(10) From an order made appealable by the provisions of the~~
36 ~~Probate Code or the Family Code.~~

37 ~~(11) From an interlocutory judgment directing payment of~~
38 ~~monetary sanctions by a party or an attorney for a party if the~~
39 ~~amount exceeds five thousand dollars (\$5,000).~~

1 ~~(12) From an order directing payment of monetary sanctions~~
2 ~~by a party or an attorney for a party if the amount exceeds five~~
3 ~~thousand dollars (\$5,000).~~

4 ~~(13) From an order granting or denying a special motion to~~
5 ~~strike under Section 425.16.~~

6 ~~(14) From an order of a superior court granting or denying class~~
7 ~~action certification to a court of appeal, at the discretion of the~~
8 ~~court of appeal, if application is made to it within 10 days after~~
9 ~~service of notice of entry of the order. The appeal, if permitted,~~
10 ~~does not stay proceedings in the superior court unless the superior~~
11 ~~court judge or the court of appeal so orders.~~

12 ~~(b) Sanction orders or judgments of five thousand dollars~~
13 ~~(\$5,000) or less against a party or an attorney for a party may be~~
14 ~~reviewed on an appeal by that party after entry of final judgment~~
15 ~~in the main action, or, at the discretion of the court of appeal, may~~
16 ~~be reviewed upon petition for an extraordinary writ.~~

